

Notice of Allowability

Application No.

09/868,159

Examiner

Victor MacArthur

Applicant(s)

NIKLAUS, HILMAR

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 4/8/2004.
2. ☒ The allowed claim(s) is/are 36-41 and 48-52.
3. ☒ The drawings filed on 11 August 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

Claims 36-41 and 48-52 are allowed. The following is an examiner's statement of reasons for allowance:

Henriott U.S. Patent 5810505 discloses (fig. 1) a detachable connection of two elements, comprising: an attachment rod (22) consisting of only one bolt (22); two elements (left 48, right 48) detachably connected to one another via the one bolt; a tensioning body (left 56) having an azimuthally extending slot (62) and, means (38) for fastening the one bolt to the tensioning body, the means for fastening including a retaining head (46) detachably attached (via 40) to the one bolt and being rotatable relative to the tensioning body, the retaining head being eccentrically located within the tensioning body for tensioning the one bolt in an axial direction with rotational movement of the tensioning body compensating the retaining head via a contra-rotational movement, thereby transmitting tension to the one bolt for the fixing of the one bolt. Henriott does not disclose that the one bolt is penetratable through the slot for fixing the one bolt at one end to one element of the two elements the tensioning body being rotatable relative to the one element about an axis extending substantially perpendicular to the one bolt with the tensioning body being connected in any rotational position relative to the one bolt, the means for fastening being rotatable about an axis that is distanced from a substantially central axis of the tensioning body and substantially parallel thereto.

It is possible to read Henriott such that the attachment rod is comprised by a three-piece bolt (22, left 38, right 38). Horntvedt U.S. Patent 5590975 teaches (figs. 1 and 3) a one-piece bolt (13). Modification of the Henriott three-piece bolt to be a one-piece bolt in view of Horntvedt

Art Unit: 3679

would suggest "an attachment rod consisting of only one bolt... being connected in any rotational position relative to said one bolt" as recited in lines 3-12 of claim 36. However, such a modification would not result in "said means for fastening including a retaining head **detachably** attached to said one bolt" as recited in lines 16-18 of claim 36 (emphasis added).


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

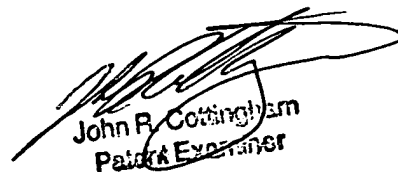
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (703) 305-5701. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


VLM
June 15, 2004


John R. Cottingham
Patent Examiner